

FAA, through the FAA regional Air Force representative, greatly facilitates the airspace proposal process and helps resolve many NEPA issues during the EIAP.

§ 989.28 Air quality.

Section 176(c) of the Clean Air Act Amendments of 1990, 42 U.S.C. 7506(c), establishes a conformity requirement for Federal agencies which has been implemented by regulation, 40 CFR Part 93, Subpart B. All EIAP documents must address applicable conformity requirements and the status of compliance. Conformity applicability analyses and determinations are separate and distinct requirements and should be documented separately. To increase the utility of a conformity determination in performing the EIAP, the conformity determination should be completed prior to the completion of the EIAP so as to allow incorporation of the information from the conformity determination into the EIAP.

§ 989.29 Pollution prevention.

The Pollution Prevention Act of 1990, 42 U.S.C. 13101(b), established a national policy to prevent or reduce pollution at the source, whenever feasible. Pollution prevention approaches should be applied to all pollution-generating activities. The environmental document should analyze potential pollution that may result from the proposed action and alternatives and must incorporate pollution prevention measures whenever feasible. Where pollution cannot be prevented, the environmental analysis and proposed mitigation measures should include, wherever possible, recycling, energy recovery, treatment, and environmentally safe disposal actions (see AFI 32-7080, Pollution Prevention Program⁹).

§ 989.30 Special and emergency procedures.

(a) *Special procedures.* During the EIAP, unique situations may arise that require EIAP strategies different than those set forth in this part. These situations may warrant modification of the procedures in this part. EPFs should only consider procedural deviations

when the resulting process would benefit the Air Force and still comply with NEPA and CEQ regulations. EPFs must forward all requests for procedural deviations to HQ USAF/CEV (or ANGRC/CEV) for review and approval by SAF/MIQ.

(b) *Emergency procedures (40 CFR 1506.11).* Certain emergency situations may make it necessary to take immediate action having significant environmental impact, without observing all the provisions of the CEQ regulations or this part. If possible, promptly notify HQ USAF/CEV, for SAF/MIQ coordination and CEQ consultation, before undertaking emergency actions that would otherwise not comply with NEPA or this part. The immediate notification requirement does not apply where emergency action must be taken without delay. Coordination in this instance must take place as soon as practicable.

§ 989.31 Reporting requirements.

(a) EAs, EISs, and mitigation measures will be tracked through the Work Information Management System-Environmental Subsystem (WIMS-ES), as required by AFI 32-7002, Environmental Information Management System.¹⁰ ANGRC/CE will provide EIAP updates to HQ USAF/CEV through the WIMS-ES.

(b) All documentation will be disposed of according to AFMAN 37-139, Records Disposition—Standards (formerly AFR 4-20, Volume 2¹¹).

§ 989.32 Procedures for analysis abroad.

Procedures for analysis of environmental actions abroad are contained in 32 CFR Part 187. That directive provides comprehensive policies, definitions, and procedures for implementing E.O. 12114, Environmental Effects Abroad of Major Federal Actions. For analysis of Air Force actions abroad, 32 CFR Part 187 will be followed. Also, refer to *Environmental Defense Fund v. Massey*, 986 F. 2d 528.

⁹See footnote 1 to § 989.1.

¹⁰See footnote 1 to § 989.1.

¹¹See footnote 1 to § 989.1.

§ 989.33 Requirements for analysis abroad.

The EPF will generally perform the same functions for analysis of actions abroad that it performs in the United States. In addition to the requirements of 32 CFR Part 187, the following Air Force specific rules apply:

(a) For EAs dealing with global commons, HQ USAF/CEV will review actions that are above the MAJCOM approval authority. In this instance, approval authority refers to the same approval authority that would apply to an EA in the United States. The EPF documents a decision not to do an EIS.

(b) For EISs dealing with the global commons, the EPF provides sufficient copies to HQ USAF/CEV for the HQ USAF EPC review and AFCEE/EC technical review. After EPC review, the EPF makes a recommendation as to whether the proposed draft EIS will be released as a draft EIS.

(c) For environmental studies and environmental reviews, forward all environmental studies and reviews to HQ USAF/CEV for coordination among appropriate Federal agencies. HQ USAF/CEV makes environmental studies and reviews available to the Department of State and other interested Federal agencies, and, on request, to the United States public, in accordance with 32 CFR Part 187. HQ USAF/CEV also may inform interested foreign governments or furnish copies of studies, in accordance with 32 CFR Part 187.

ATTACHMENT 1 TO PART 989—GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

References

Legislative

10 U.S.C. 2687, *Base closures and realignments*
42 U.S.C. 4321–4347, *National Environmental Policy Act of 1969*

42 U.S.C. 7506(c), *Clean Air Act Amendments of 1990*

42 U.S.C. 13101(b), *Pollution Prevention Act of 1990*

43 U.S.C. 155–158, *Engle Act*

Executive Orders

Executive Order 11988, *Floodplain Management*, May 24, 1977 (3 CFR, 1977 Comp., p. 117)

Executive Order 11990, *Protection of Wetlands*, May 24, 1977 (3 CFR, 1977 Comp., p. 121)

Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979 (3 CFR, 1979 Comp., p. 356)

Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982 (3 CFR, 1982 Comp., p. 197)

US Government Agency Publications

Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500–1508

DoD Instruction 5000.2, *Defense Acquisition Management Policies and Procedures*, February 23, 1991, with Change 1, and Air Force Supplement 1, *Acquisition Management Policies*, 31 August 1993, with Change 1

DoD Manual 5000.2-M, *Defense Acquisition Management Documentation and Reports*, February 1991

DoD Directive 6050.1, *Environmental Effects in the United States of DoD Actions*, July 30, 1979 (32 CFR Part 188)

DoD Directive 6050.7, *Environmental Effects Abroad of Major Department of Defense Actions*, March 31, 1979 (32 CFR Part 187)

Air Force Publications

AFPD 32-70, *Environmental Quality*

AFI 32-1021, *Planning and Programming of Facility Construction Projects*

AFI 32-7002, *Environmental Information Management System*

AFI 32-7062, *Air Force Comprehensive Planning*

AFI 32-7064, *Integrated Resources Management*

AFI 32-7080, *Pollution Prevention Program*

AFI 35-202, *Environmental Community Involvement*

AFMAN 37-139, *Records Disposition—Standards*

Abbreviations and Acronyms

Abbreviation or acronym Definition

AFCEE Air Force Center for Environmental Excellence

AFCEE/EC Air Force Center for Environmental Excellence/Environmental Conservation and Planning Directorate

AFI Air Force Instruction

AFLSA/JACE Air Force Legal Services Agency/Environmental Law and Litigation Division

AFLSA/JAJT Air Force Legal Services Agency/Trial Judiciary Division

AFMAN Air Force Manual

AFMOA/SG Air Force Medical Operations Agency/Aerospace Medicine Office

AFPD Air Force Policy Directive

AFRES Air Force Reserve

ANG Air National Guard

ANGRC Air National Guard Readiness Center

CATEX Categorical Exclusion

CEQ Council on Environmental Quality

CFR Code of Federal Regulations

DAB Defense Acquisition Board

DoD Department of Defense

DoDD Department of Defense Directive

DoDM Department of Defense Manual

DOPAA Description of Proposed Action and Alternatives

EA Environmental Assessment